App. F. IX-4

1927.

File No. 24-27

Previous References (Land)

P

Serial Nos. 1-4

Later References

Land 70-30, 1-4

" 166-22-1-13

General and Revenue Secretariat.

Serial Nos. From

Part B for January 1928

SUBJECT

Non-acceptance of the lands offered by Dewan Bahadur Bhashmachar for the benefit of the Sri Venkataramana-swami temple at Karaikatta

---

Sd)

To

The Inspector General of Registration

No. P 4065 of 24.1.28.

Encloses a copy of opinion of the Legal Remembrancer and returns the records.

Inspector General of Registration

17/1/28.

2117/P

G. R. S. III—1] 192

GENERAL AND REVENUE SECRETARIAT.

NOTES. Laev File No. 2

FILE HEADING.

Notice from Swami Dayasagar Bhishnacharya re rejected gift of his lands & asking for possession

From Swami Dayasagar Bhishnacharya

No. Nil. Dated 20-10-27 Received 27-10-27.

Diary No. 2117	Enclos.	Spare Copies.	Serial No. 1

BRIEF ABSTRACT OF LETTER.

States that he made a gift of 15 acres each land in Jodalay of which one annually in the name of his son, that gift was rejected as patta was not in his name & that possession should be given to him

NOTES AND ORDERS.

Subd for perusal. Inungal Comm may be requested to report draft subd

Noted 2) The applicant wants the notice to be acknowledged

1.11.27

Leg'l Rem

Leg'l Rem 3) Leg. is on leave

4) Done

5/11

NOTES—First Sheet.

WD 1881—GPB—30,000—1-8-21

General and Revenue Secretariat. Rev File No. 24 of 1927.

Serial No.	
2	To the Durg Dai Comm Nop 2328 Dt 5.11.27. Calls for a report on the facts of the case.
	Reminder Subd Mar 8/12/27 Nil 8/12
	Nil 9/12
	X Nop 3102 of 9/12/27
	X Reminder Despatched
	Yes 17/12 Reply to Reminder
	From the Durg Dai Comm no C 557/27-28 d 22-12-27, states that D.C has reported that the records have not yet been received from Raipur and that they will be submitted a receipt. The report and records will be sent later.
5	Subd for favour of perusal. The report with the records may if approved be awaited Mar 23/12/27 Nil 23/12
	Legal Rem 4) Yes 27.12 28/12
3	From Durg Dai Comm no. 557/27-28 forwards a report with the records of the case.
	Yes Mar 28/12/27 Nil 28/12
5	A note was subd. re the facts of the case. Typed opinion is placed in the file. It is for orders whether a copy of it may be sent to R. C & the Collector & reply may be given to the Notice.
	6) The party has asked for possession with crops

NOTE—Contn. sheet

WD 0324—GPB—60,000—24-5-27

3136
P

App. F. III—2]

General and Revenue Secretariat.

Law File No. 24 of 1927

Serial No.	
	acct for balance of account- deducting Kandayam and loan kist.

Mela
18/1/28.

7) In my opinion ~~the~~ X ~~plaint~~ bond may be, Sub. to Rs C ~~of~~ ~~suit~~ ~~subject to be given.~~

SM
20/1/28.

Mela
20/1

Court
Mr
24/1/28

9) draft filed.

Mela
21/1/28.
Mr
24/1/28

4) Mr
25
22/1

B

MJ
12/12/28

Vide pages 4 & 5.

Four Copy for file

On 24th May 1924 S.Dayasagara Bhismach Bhishmachar offered nine plots of his wet lands in Yedatore Taluk measuring 15 acres and yielding 2 candies per acre in favour of Sri Venkatramanaswami Temple to the Muzr Muzrai Commissioner.

The Amildar on 7th July 1924 submitted a report that the net income was Rs.300 per annum and valued the lands at Rs.10,000 and stated that the Khate of the land was i in the name of the son and that the lands were all along in the possession and enjoyment of the swamy. On 11th July 1924, Muzrai Commissioner ordered that Amildar should take possession of the lands and lease them temporarily if title is good so as not to lose the year's crop. On 28th September 1924 Amildar reported that he leased the lands for one year and requested final orders.

Meanwhile the wife and son of Bhismachar presented takrar a/petition. The Muzrai Commissioner ordered that the gift be rejected and after this was communicated, the wife of Rajagopalasharma on behalf of her minor children petitioned the Amildar that the land should be restored to her as - - Bhismachar had admitted before Civil Courts that he relinquished all rights to land &c and became a sanyasi and as the Khatedar did not object. On the strength of this representation, Amildar ordered the lessee of 1926-27 for one year to deliver gutta to Komavalliammal and gave her an endorsement.

In the present notice the swami urges that as the possession was taken by Government on his offer and as the gift was finally rejected the possession of the lands should be given to him.

Having regard to the fact that the lands were admittedly in the possession of the donor when Government took over temporary charge pending final orders regarding acceptance of the gift, the Amildar should have given back possession to the donor and leave the parties to settle any differences in Civil Courts. The Amildar has gone out of his way to support the cause of Komavaliammal and there is no justification for his action.

Orders may therefore issue that the lands be restored to him. that the gift be delivered peaceably to her

Sd B.N.Rajappa
A.R.

2117/27 (6)

Petition Box
27-10-27

To
The Chief Secretary
Govt of Impose Bandalore

Protection Br.
27/10. W/ 8/28/10 Law 28/10.

Sir - Please acknowledge receipt of my petition under Sec 80 C.P.C

VEURE DISTRICT

served upon the Govt in the case within the time prescribed by the section above, without putting me to the unpleasantness of going to Law before the Dist and Sessions Judge Bandalore where there is a case against the Govt pending disposal as O.S. No 5 of 1925-26 - Stands adjourned to 17-12-1927

I am not desirous of the Govt taking the actions of their officers not knowing the knowledge of civil, will compel me to proceed against the Govt and against the officers in order to establish my right, when there orders are illegal & uncalled for.

The facts of the case to this -

Wet lands to the extent of 15 acres, in Nadalur Datog Impose with the Collectory Minalay & Shillay bray Karal is my self acquired property as a grant given to me by the Govt of Impose under Govt proceedings -

The land was enjoyed without interruption but the patta was made nominally to the name of my father one Kanyappanaal - After his death, the amildar transferred the patta to the name of his eldest son one Rajabpula Sarma then called - I protested with a strong letter to him about the date then called - I protested with a strong letter to him about the date appearing, few hours late, my application was dismissed - I might have filed a Civil Suit before the Dy Collr but I thought that I can do later on by the changing patta in my name, & thought that I can do later on - by the known the possession of the land is more important to the Govt as per Law in force than holding a nominal ---- of lands -

APP. F. VI. Gl.]

UBJECT.....

.....

.....

Section Loan

File No. 24-27

Serial No. 2

Diary No. of letter replied to .....

No. P 2328/Revenue

General and Revenue Secretariat

( )

the *192*

To

The Deputy Comr.

Bangalore

Date of issue 5-11-27

Signed by Mr. T. S. Mudr

Sir

I have the honour to forward herewith in original notice (to be kept & returned with reply) received from Swami Dayasagara Bhathanakar stating that he had made a gift of 15 acres of wet land, his self acquired property, to God Venkataramanaswamy of Kaigatte Srirangapatana Tk that the Amildar had taken possession of the lands for over 3 yrs the gift was subsequently rejected & in the ground that patta was not in his name & that he need that the possession of the land should be given to him

List of enclosures.....

Copied by.....

Examined by .....

over

(D) 339/92 P82

No. C 559/27-28 Office of the Muzrai Commissioner in Mysore.
one of one file
& this office R Dis
file No. 100/26-27
Dated Bangalore. 9th January 1928.

From

P. G. D'Souza, Esq., B.A., B.L.,
Muzrai Commissioner in Mysore,
Bangalore.

To

B. Nagappa, Esq., Bar-At-Law,
Secretary to the Government of His
Highness the Maharaja of Mysore,
Law Department.

Sir,

In continuation of this office letter No.559 of 27-28 dated 22nd December 1927, stating that a further report in re the non-acceptance of the lands offered by Dayasagara Bhishmachar for the benefit of the Sri Venkatramanaswami temple at Karighatta will be submitted, I have the honor to state that on receipt of the petition in this office from the said Swamy Dayasagara Bhishmachar, it was forwarded to the Deputy Commissioner Mysore District, to issue --- instructions to the Amildar Yedatore Taluk to take possession of the lands and lease them out temporarily if the title was good. Another counter-petition which was received in this office later from the sons and wife of the Swamy Dayasagara Bhishmachar was -- also forwarded to the Deputy Commissioner Mysore District. On receipt of his letter No.218 dated 23rd July 1926 explaining in detail the undesirability of accepting the endowment, the petitioner offer was rejected in this office order No.D_1 Dis.100 of 1926-27. The entire file is enclosed for perusal.

In forwarding herewith the entire vernacular records now -- received with Mysore Deputy Commissioner's letter No.346-27 dated - 28th December 1927 (copy enclosed for reference) I may state that it is not desirable to accept any endowment unless the title is absolutely clear and free from all risks and action already taken

has

P.T.O.

Letter No.H2-346/27 dated 28th December 1927 from the Deputy Commissioner, Mysore District to the Muzrai Commissioner in Mysore.

"Gift of land-by Dayasagara Bhishmachar-to Karighatta temple - non-acceptance of --.

"With reference to your letter Nos.C.559 of 27-28 dated 5th -- November 1927 and 11/12th November 1927 requesting the submission of report on the two petitions of Swamy Dayasagara Bhishmachar in ---- respect of the non-acceptance of the lands at Mirle, Yedatore Taluk, endowed by him in favour of the Karighatta temple, I have the honor to submit herewith the ertire file of correspondence ending with -- Mysore Sub Division Officer's memo No.R2-560/27 dated 14th December 1927. The facts of the case are clearly set forth in the Taluk -- Amildar's report No.R.O.C. 26/27-28 dated 25th November 1927. It is seen therefrom that Mr. Dayasagara Bhishmachar has relinquished all his right in the immoveable properties, that the khate of the lands offered by him stands in the name of his son Rajagopalasharman, and that the management of the lands was never taken over by the Amildar under proper authority but that action was nevertheless being taken by the Amildar to see that the parties did not suffer until the -- question of acceptance of the endowment offered, was settled.

2. As the lands offered by Swamy Dayasagara Bhishmachar entail a good deal of civil litigation, the endowment was not accepted in -- your order No.D_1 Dis.34 of 26-27 dated 19th August 1926(copy enclosed in the file) and the parties were directed to be informed accordingly by endorsement. An endorsement was issued to Swamy Dayasagara --- Bhishmachar and his daughter-in-law Komalavalli Ammal, mother and guardian to her minor sons.

3. On the petition of Bhishmachar received with your letter No. D_2 Dis.71/27-28 dated 29/30th July 1927 complaining against the -- action of the Amildar of Yedatore Taluk in connection with his offer of land, an endorsement was again issued to the petitioner on 1st -- October 1927 to the effect that the endowment offered was not accepted by the Muzrai Commissioner.

4. The two petitions received with your letters under reply are retransmitted herewith."

"C o p y"

M. Bheemacharlu

For Muzrai Commissio

14

APP. F. VI. Gl.]

SUBJECT.....

.....

.....

Section Law

File No. 44-27

Serial No. 4

Diary No. of letter replied to.....

No. F 4065 Records

General and Revenue Secretariat

( )

the *192*

To The Mudrai Commr Devakottai

Date of issue 24/4/28

Re the non acceptance of lands offered by Dasayogam Bhoomidan

Signed by M' Pol

Sir,

I have the honour to enclose a copy of my opinion regarding the case for necessary action and to return the records received with your letter No Co. 357/27-28 dt 20/22-12-27

List of enclosures.....

Copied by [illegible] 25/1

I have etc

Examined by .....

22/1 Secy to Govt

over

for Law Secy